

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEFENDING THE REPUBLIC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 3:22-1237-E
§
FOOD AND DRUG ADMINISTRATION, §
§
Defendant. §

JOINT STATUS REPORT

Plaintiff, Defending the Republic, and Defendant, United States Food and Drug Administration (“FDA”) file the following joint status report:

1. This case involves Plaintiff’s Freedom of Information Act (“FOIA”) request to FDA for “all data and information submitted by Moderna relating to the FDA review and approval of Spikevax.”
2. On October 18, 2022, the parties submitted a joint status report discussing their unsuccessful attempts to reach agreement on the narrowing of the FOIA request and on an appropriate production schedule. ECF No. 22 at ¶¶ 2-3. The parties proposed a briefing schedule to present their arguments on the issue of an appropriate production schedule. ECF No. 22 at ¶ 5.
3. That request was not granted, and the parties submitted a new proposed briefing schedule in their November 10, 2022 joint status report. ECF No. 23 at ¶ 4. The briefing schedule proposed in that joint status report was also not granted by the Court.
4. The parties are still unable to reach an agreement on the production issue and thus propose the following briefing schedule:

- a. January 18, 2023: Plaintiff will file its brief and any declaration(s) and/or other exhibits in support of its proposed production schedule.
- b. February 8, 2023: Defendant will file its opposition and any declaration(s) and/or other exhibits in support of its proposed production schedule.
- c. The parties further propose a page limit of 35 pages for each party's brief.

Respectfully submitted,

s/ Travis Miller
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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, I e-filed the foregoing using the CM/ECF system, which serves all counsel of record.

s/ *Travis Miller*
Travis Miller